

REGULAR MEETING
BOROUGH COUNCIL
BOROUGH OF RUMSON
April 5, 2007

A regular meeting of the Borough Council of the Borough of Rumson was held in the Charles S. Callman Courtroom of the Memorial Borough Hall on April 5, 2007 and was called to order by Mayor John E. Ekdahl at 4:30 p.m.

Pledge of Allegiance.

Present: Mayor Ekdahl, Councilwoman DeVoe, Councilmen Broderick, Kammerer and Rubin.

Absent: Councilmen Hemphill and Shanley.

Thomas S. Rogers, Municipal Clerk/Administrator, was present.

Martin M. Barger, Borough Attorney, was present.

C. Bernard Blum, Jr., Borough Engineer, was present.

The Mayor declared a quorum present and announced that the notice requirements of the Open Public Meetings Act had been met by the posting and mailing of a notice forwarded at least 48 hours in advance thereof to the *Asbury Park Press* and the *Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the minutes of the March 15, 2007 regular Council meeting and the March 29, 2007 special Council meeting were approved as written, copies having been forwarded to all Council members. All in favor.

COMMUNICATIONS:

LETTER FROM OCEANIC FREE LIBRARY REQUESTING PERMISSION TO HANG A BANNER ON THE LIBRARY BUILDING ANNOUNCING NATIONAL LIBRARY WEEK DURING APRIL 15-21, 2007:

The Municipal Clerk/Administrator advised of a letter dated March 30, 2007 from Anne Wissel, Library Director of the Oceanic Free Library on the corner of Avenue of Two Rivers and Ridge Road, requesting permission to display a banner on the Library announcing National Library Week during the week of April 15-21, 2007.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, this communication was ordered received and permission granted for the banner to be displayed on the Library for the week of April 15th for National Library Week. All in favor.

LETTER FROM ASSEMBLYMAN STEVE CORODEMUS REQUESTING PERMISSION TO USE THE BOROUGH HALL COURTROOM FOR A TOWN HALL MEETING ON APRIL 10, 2007 FROM 7:00-9:00 P.M.:

The Municipal Clerk/Administrator advised of a letter dated March 19, 2007 from Assemblyman Steven J. Corodemus from District 11 requesting permission to use the Borough Hall Courtroom for a town hall meeting on Tuesday, April 10, 2007 from 7:00-9:00 p.m.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, this communication was ordered received and permission granted for Assemblyman Steven J. Corodemus to hold his town hall meeting in the Borough Courtroom on Tuesday, April 10th from 7:00 to 9:00 p.m. All in favor.

LETTER FROM TRISH DOCHERTY ADVISING OF HER RESIGNATION AS COORDINATOR OF THE SUMMER RECREATION PROGRAM AT THE END OF THE SUMMER 2007:

The Municipal Clerk/Administrator advised of the following letter to John Hird, Recreation Director, dated March 21, 2007 from Trish Docherty, Summer Recreation Program Coordinator:

Dear John:

I have had the pleasure of directing the summer recreation program since the summer of 1996. It is with regret that I am tendering my resignation at the end of the 2007 summer. I have many fond memories of this program and the many people that have helped me out throughout the years. I want to thank the recreation board for their support and confidence in me during my tenure. I also want to thank, in particular, all the kind ladies at borough hall for their patient assistance year after year.

I wish you all continuing success with this wonderful program.

Sincerely,
Trish Docherty

Councilwoman DeVoe stated that she was very sorry that Trish was resigning because she had done such a tremendous job of running the Summer Program and wished her good luck in the future.

Councilman Kammerer asked if it would be possible to prepare a Borough Proclamation as recognition for all her hard work over the years.

It was agreed that a Proclamation would be prepared at the end of the 2007 Summer Program and presented to Mrs. Docherty.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, this communication was ordered received and Trish Docherty's resignation as Summer Recreation Program Coordinator was accepted with regret. All in favor.

LETTER FROM TOWER HILL SCHOOL REQUESTING PERMISSION TO HOLD THEIR END-OF-YEAR PICNICS AT VICTORY PARK ON MAY 21 AND 22, 2007 (RAIN DATES MAY 23 AND 24, 2007):

The Municipal Clerk/Administrator advised of a letter dated March 26, 2007 from Susan deBrigard, Director of the Tower Hill School, requesting permission to hold their end-of-year picnics at Victory Park on Monday, May 21st from 9:00 to 11:30 a.m. with 25 children and 11:30 a.m. to 1:30 p.m. for 10 children and Tuesday, May 22nd 9:00 to 11:30 a.m. with 30 children (rain dates of May 23rd and 24th for the same times and number of children). The letter stated that approximately 20 of their students are Rumson residents.

The Municipal Clerk/Administrator advised that it has been approved in the past for two days.

On motion by Councilman Kammerer, seconded by Councilman Rubin, this communication was ordered received and permission granted for the Tower Hill School end-of-year picnic to be held at Victory Park on the above dates. All in favor.

CONSENT AGENDA:

LETTER FROM THE NATIONAL ARBOR DAY FOUNDATION CONGRATULATING THE BOROUGH OF RUMSON ON BEING NAMED A 2006 TREE CITY USA:

The Municipal Clerk/Administrator advised of a letter to the Mayor dated March 27, 2007 congratulating the Borough of Rumson on being named a Tree City USA in 2006; the award was based on the work that had been done in the previous year.

LETTER FROM MASER CONSULTING ENCLOSING A COPY OF AN APPLICATION TO THE STATE D.E.P. ON BEHALF OF JAMES AND MARY BURKE FOR PROPERTY LOCATED AT 27 SOUTH SHREWSBURY DRIVE FOR A FRESHWATER WETLANDS PERMIT FOR THE PLACEMENT OF PAVEMENT OR OTHER IMPERVIOUS SURFACE, PLACEMENT OF ONE OR MORE BUILDINGS OR OTHER STRUCTURES AND CONSTRUCTION OF A DOCK OR PIER WITHIN WETLANDS:

The Municipal Clerk/Administrator advised of a letter dated March 30, 2007 from Maser Consulting on behalf of James and Mary Burke, 27 South Shrewsbury Drive. The letter advised of an application submitted to the New Jersey Department of Environmental Protection, Land Use Regulation Program for a Freshwater Wetlands Application General Permit for the placement of pavement and buildings and the construction of a dock or pier.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE APPLICATION OF SUSAN BLOOM FOR PROPERTY LOCATED AT 17 OYSTER BAY DRIVE FOR A WATERFRONT DEVELOPMENT PERMIT TO RECONSTRUCT A DETERIORATED WOODEN BULKHEAD IN-PLACE USING VINYL SHEATHING; THE REQUEST WAS DENIED FOR THE AUTHORIZATION OF THE EXISTING BOATLIFT OR JET-SKI LIFT ATTACHED TO THE RECREATIONAL PIER AND ORDERS THAT THE STRUCTURES BE REMOVED IMMEDIATELY OR THE PERMITTEE MUST APPLY FOR A WATERFRONT DEVELOPMENT PERMIT TO LEGALIZE THEM:

The Municipal Clerk/Administrator advised of a letter received from the State of New Jersey Department of Environmental Protection advising of the approval of the Waterfront Development Permit and Water Quality Certificate for Susan Bloom for property located at 17 Oyster Bay Drive

for the reconstruction of 689 linear feet of deteriorated wooden bulkhead in-place using vinyl sheathing; the request was denied for the authorization of the existing boatlift or jet-ski lift attached to the recreational pier and orders that the structures be removed immediately or the permittee must apply for a waterfront development permit to legalize them.

LETTER FROM THE STATE D.E.P. ADVISING OF THE APPROVAL OF THE APPLICATION OF JACK ROSS FOR PROPERTY LOCATED AT 94 BUENA VISTA AVENUE FOR A FRESHWATER WETLANDS STATEWIDE GENERAL PERMIT NO. 6 AND WAIVER OF TRANSITION AREA FOR ACCESS:

The Municipal Clerk/Administrator advised of a letter received from the State of New Jersey Department of Environmental Protection advising of the authorization for Freshwater Wetlands Statewide General Permit No. 6 and Waiver of Transition Area for Access for Jack Ross for property located at 94 Buena Vista Avenue.

On motion by Councilwoman DeVoe, seconded by Councilman Kammerer, the four communications on the Consent Agenda were ordered received. All in favor.

COMMITTEE REPORTS:

None.

UNFINISHED BUSINESS:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK. PUBLIC HEARING CARRIED TO THURSDAY, APRIL 19, 2007 AT 7:30 P.M.:

The Municipal Clerk/Administrator stated that an ordinance entitled:

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

was scheduled for public hearing at this time. He stated that because of the time change of this meeting to 4:30 p.m., the ordinance would be carried until the next Borough Council meeting on April 19, 2007 at 7:30 p.m. and that notice of the date change had been sent to the *Asbury Park Press* and *The Two River Times*.

On motion by Councilwoman DeVoe, seconded by Councilman Broderick, the public hearing on this Ordinance was carried until the next regular meeting of the Borough Council on Thursday, April 19, 2007 at 7:30 p.m. on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

NEW BUSINESS:

RESOLUTION TO APPOINT TWO PROFESSIONALS FOR TAX APPEAL LITIGATION FOR THE BOROUGH OF RUMSON:

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

TAX APPEAL LITIGATION

WHEREAS, there exists a need to provide real estate appraisal and consulting services for the Borough of Rumson regarding litigation at the State Tax Court of New Jersey and County Board of Taxation as authorized by R.S.40:87-15; and

WHEREAS, funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law, R.S.40A:11-1, et. seq., requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids must be published no more than ten (10) days following the adoption thereof:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson as follows:

1. The Mayor and the Borough Clerk are hereby authorized, in behalf of the Borough, to retain Realty Appraisal Company of West New York, New Jersey, hereinafter referred to as the Appraisal Firm), to handle the defense of tax appeals as well as cross appeals in the State Tax Court at the following billing rates effective January 1, 2007:

Residential Properties:	\$100.00 per hour, not to exceed \$4,000.00 for any single property.
Commercial/Industrial/Multi-family:	\$100.00 per hour, not to exceed \$7,500.00 per any single property.

The above time will be spent in consultation, preparation, property inspection, analysis, preparation of appraisal reports where necessary, and testimony at the County Board of Taxation and the Tax Court of New Jersey.

The appraisal services will be under the direct supervision of Steven Rubenstein, MAI. The Appraisal Firm will work closely with the Tax Assessor and Borough Attorney in order to insure that the Borough’s interests are best served without incurring unjustifiable expense.

2. The Mayor and the Borough Clerk are hereby authorized, in behalf of the Borough, to retain Robert Gagliano, State Certified General Real Estate Appraiser of New Jersey with Gagliano Appraisal, LLC, to handle the defense of tax appeals as well as cross appeals in the State Tax Court and the County Board of Taxation at the following billing rates effective April 1, 2007:

Work will be handled in three (3) phases; each phase will be completed only at the request

of the Borough.

Phase I – Preliminary Analysis:

Includes curbside exterior inspection, the development of all applicable approaches to value, and a brief, written preliminary analysis to be presented to the Borough Assessor and Attorney for case evaluation purposes. Fees are as follows:

Property Type: One to Four (1-4) Family Dwellings—\$100/Hour, not to exceed \$750 for any single property.

Property Type: Commercial/Industrial/Multifamily—\$120/Hour, not to exceed \$1,500 for any single property.

Phase II – Appraisal Report for Trial:

Includes full exterior and interior inspection and the development of Complete Summary Appraisal Reports in narrative format in support of testimony before the New Jersey Tax Court. Fees are as follows:

Property Type: One to Four (1-4) Family Dwellings—\$100/Hour, not to exceed \$750 for any single property, in addition to the fee for the preliminary analysis.

Property Type: Commercial/Industrial/Multifamily—\$120/Hour, not to exceed \$1,500 for any single property, in addition to the fee for the preliminary analysis.

Phase III – Testimony/Settlement Conferences:

As requested by the Borough, the Principal MAI appraiser will prepare for testimony, testify and/or participate in settlement teleconferences and attend meetings. Fees are as follows:

Property Type: One to Four (1-4) Family Dwellings—\$150/Hour, not to exceed \$2,000 for any single property, inclusive of all three phases of work.

Property Type: Commercial/Industrial/Multifamily—\$150/Hour, not to exceed \$6,000 for any single property, inclusive of all three phases of work.

3. Said real estate appraiser is retained pursuant to R.S.40:87-15 without competitive bidding as a “Professional Service” under the provisions of the Local Public Contracts Law because the service rendered or performed is to be done by a person authorized by law to practice a recognized profession and whose profession and practice is regulated by law and bids are not required per R.S.40A:5-11.
4. A copy of this resolution shall be published in the *Two River Times* as required by law within ten (10) days of its passage.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO APPOINT POLICE DISPATCHER BRIAN EGAN AS A CLASS I SPECIAL POLICE OFFICER:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Borough of Rumson through its Police Department has the need for a Class I Special Police Officer; and

WHEREAS, 80 hours of training is mandated by the Monmouth County Police Academy for Class I Special Police Officer; and

WHEREAS, Rumson Police Dispatcher Brian Egan has enrolled in the Course for Class I Special Law Enforcement Officers that will begin on May 7, 2007 through May 18, 2007; and

WHEREAS, it is a requirement that one must be appointed as a Class I Special Police Officer prior to enrolling in the course;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Brian Egan be appointed as Class I Special Police Officer effective April 5, 2007.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AWARD A CONTRACT FOR THE BELLEVUE AVENUE IMPROVEMENTS – PHASE II TO EARLE ASPHALT COMPANY PENDING THE RELEASE OF FUNDS:

Councilman Rubin offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, on March 20, 2007, twelve bids were received for the Bellevue Avenue Improvements – Phase II; and

WHEREAS, the Borough Council has reviewed the bids and considered the recommendations of the Borough Engineer and Borough Attorney; and

WHEREAS, the project consists of the improvements to Bellevue Avenue from Ridge Road to West River Road; and

WHEREAS, the Borough Council finds that the lowest responsive bid from a responsible bidder for Bellevue Avenue Improvements – Phase II was that of Earle Asphalt Company, P.O. Drawer 556, Farmingdale, NJ 07727; and

WHEREAS, the Chief Financial Officer has provided a certification of availability of funds to award the contract for Bellevue Avenue Improvements – Phase II once the public comment period has expired;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Rumson that it does hereby accept the bid of Earle Asphalt Company, P.O. Drawer 556, Farmingdale, NJ 07727, in the amount of \$319,113.13 for Bellevue Avenue Improvements – Phase II, as recommended by the Borough Engineer by letter dated March 28, 2007, which is on file in the Borough Clerk's Office; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute the contract documents; and

BE IT FURTHER RESOLVED that the contract be awarded subject to confirmation that the bidder is in compliance with Prevailing Wage Requirements and the review and approval of bid documents by the Borough Attorney; and

BE IT FURTHER RESOLVED that the contract be awarded subject to a favorable determination from the New Jersey Department of Transportation; and

BE IT FURTHER RESOLVED that the contract be awarded subject to the availability of funds after the public comment period.

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AUTHORIZE THE PARTICIPATION IN A SHARE PROGRAM WITH THE BOROUGH OF LITTLE SILVER AND FAIR HAVEN FOR A POLICE SHARED SERVICES FEASIBILITY STUDY:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION TO AUTHORIZE THE PARTICIPATION
IN A SHARE PROGRAM WITH THE BOROUGH
OF LITTLE SILVER AND FAIR HAVEN

WHEREAS, the Mayor and Council of the Borough of Little Silver, Borough of Fair Haven and the Borough of Rumson, have agreed to apply for a *SHARE* (Sharing Available Resources Efficiently) Program Grant through the State of New Jersey *SHARE* Program in an amount to be determined by the Interlocal Committee at a later date; and

WHEREAS, the State of New Jersey has made *SHARE* grants available to assist local units to study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the combining of Police Departments, that would be beneficial to all local units; and

WHEREAS, the Borough of Little Silver has agreed to be the lead agency in this program; and

WHEREAS, the Mayor and Council for the Borough of Little Silver did heretofore advertise a Proposal for a Police Shared Services Feasibility Services Consultant to perform a two-phase feasibility study for the merging/consolidation of the Police forces of Rumson Borough, Little Silver Borough and Fair Haven Borough; and

WHEREAS, proposals were received by the Little Silver Borough Administrator/Clerk at 10:00 a.m. on February 28, 2007, opened and publicly from the following:

<u>NAME</u>	<u>PHASE I</u>	<u>PHASE II</u>
Patriot Consulting Group Monmouth Beach, NJ	\$25,500.00	\$10,000.00
Carroll Buracker & Assoc. Harrisonburg, VA	\$96,750.00	\$32,250.00 For Each Additional Municipality
Government Strategy Group New Providence, NJ	Not to Exceed \$98,900.00; and	

WHEREAS, the Little Silver Borough Attorney has reviewed the Proposals and finds them to be in order;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Patriot Consulting Group, Monmouth Beach, New Jersey hereby be retained by the lead agency for the preparation of the necessary grant application in connection with conducting a police shared services feasibility study, in an amount not to exceed \$1,000.00;

BE IT FURTHER RESOLVED that Patriot Consulting Group hereby be retained by the lead agency as a Police Shared Services Feasibility Study Consultant in the amount of \$25,000.00 for Phase I, which, however, shall be conditioned upon the following:

1. Adequate funding being contained in the 2007 Operating Budget of the Borough of Rumson;
2. That receipt of the Grant from the State of New Jersey in the minimum amount of \$20,000.00 for said purposes; and

BE IT FURTHER RESOLVED that the Resolution shall be contingent upon the passage of similar Resolution by all participating municipalities authorizing the expenditure of their fair share of contribution for the study; and

BE IT FURTHER RESOLVED that the contract shall be executed between Patriot Consulting Group and the Borough of Little Silver, as the lead agency, in a form that shall be acceptable to the Borough Attorney.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

TEMPORARY EMERGENCY APPROPRIATIONS RESOLUTION:

Councilman Broderick offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the temporary appropriations previously adopted will be inadequate to the point when the 2007 Budget will be finally adopted; and

WHEREAS, N.J.S.A. 40A:4-20 states that the Governing Body may, by resolution adopted by a 2/3 vote of full membership, make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year;

BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the following emergency temporary appropriations, in addition to the temporary appropriations already adopted, be adopted, and it is stated that these emergency temporary appropriations shall be included in the 2007 Budget when adopted.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer, and the Director of the Division of Local Government Services.

Administration & Executive – Salaries & Wages	\$ 12,000.00
Newsletter – Salaries & Wages	\$ 225.00
Municipal Clerk – Salaries & Wages	\$ 7,350.00
Financial Administration – Salaries & Wages	\$ 8,750.00
Revenue Administration – Salaries & Wages	\$ 4,155.00
Revenue Administration – Other Expenses	\$ 500.00
Tax Assessment – Salaries & Wages	\$ 3,300.00
Legal – Other Expenses	\$ 5,000.00
Engineering – Other Expenses	\$ 5,000.00
Planning Board – Salaries & Wages	\$ 1,075.00

Zoning Board of Adjustment – Salaries & Wages	\$ 1,075.00
Zoning Officer – Salaries & Wages	\$ 3,173.00
Code Enforcement – Salaries & Wages	\$ 900.00
Plumbing Inspector – Salaries & Wages	\$ 1,667.00
Electrical Inspection – Salaries & Wages	\$ 1,993.00
Fire Protection Official – Salaries & Wages	\$ 700.00
Fire Sub-Code Official – Salaries & Wages	\$ 610.00
Construction Code Official – Salaries & Wages	\$ 13,100.00
Construction Code Official – Other Expenses	\$ 500.00
Police Department – Salaries & Wages	\$100,000.00
Police Dispatch/911 – Salaries & Wages	\$ 7,000.00
Aid to First Aid Organization – Other Expenses	\$ 1,000.00
Municipal Prosecutor – Salaries & Wages	\$ 1,061.00
Streets & Road Maintenance – Salaries & Wages	\$ 50,000.00
Sewer System – Salaries & Wages	\$ 12,000.00
Sewer System – Other Expenses	\$ 10,000.00
Shade Tree Commission – Other Expenses	\$ 5,000.00
Solid Waste Collection – Salaries & Wages	\$ 30,000.00
Recycling – Salaries & Wages	\$ 10,000.00
Building & Grounds – Salaries & Wages	\$ 3,500.00
Board of Health – Salaries & Wages	\$ 515.00
Animal Control Services – Salaries & Wages	\$ 900.00
Recreation Services & Programs – Salaries & Wages	\$ 6,700.00
Community Center – Salaries & Wages	\$ 300.00
Municipal Court – Salaries & Wages	\$ 4,000.00
Public Defender – Salaries & Wages	\$ 200.00
Utility & Bulk Purchases – Telephone	\$ 2,500.00
Utility & Bulk Purchases – Electricity	\$ 6,000.00
Utility & Bulk Purchases – Gasoline	\$ 5,000.00
Statutory Expenditures – Social Security	\$ 20,000.00
Insurance – Employee Group Health	<u>\$120,000.00</u>
Total	\$466,749.00

Resolution seconded by Councilman Kammerer and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

**RESOLUTION TO AUTHORIZE THE BOROUGH TO LEASE THE PROPERTY AT
BLOCK 5, LOT 3, ADJOINING VICTORY PARK, FOR THE AMOUNT OF THE TOTAL
ANNUAL TAX LEVY:**

Councilwoman DeVoe offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the property known as Block 5, Lot 3, is currently owned by West River Road Equities, LLC; and

WHEREAS, the property is adjoining the Borough's park known as Victory Park; and

WHEREAS, the property owner has agreed to allow the Borough to lease the property known as Block 5, Lot 3 for the amount equal to the total annual property tax levy for that property; and

WHEREAS, the Borough will use the property for its recreation programs and for all Borough residents to enjoy; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that the Mayor and Borough Administrator be authorized to enter into an annual lease agreement for the property known as Block 5, Lot 3; and

BE IT FURTHER RESOLVED that the lease agreement be in the amount of the total property tax levy for that property for the given year; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the Chief Financial Officer and the Tax Collector.

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

CONSENT AGENDA:

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000.00 BOND DEPOSIT FOR STREET OPENING PERMIT 24/06 FOR C. & G.:

Councilman Kammerer offered the following resolution and moved its adoption:

WHEREAS, C. & G., 89 Third Street, Fair Haven, NJ 07704 paid the required \$1,000.00 deposit plus the \$100.00 application fee for Street Opening Permit Number 24/06; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the project and found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that C. & G. be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000.00 BOND DEPOSIT FOR STREET OPENING PERMIT 166/06 FOR MARIPOSA HOLDINGS, LLC:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Mariposa Holdings, LLC, 120 Rumson Road, Rumson, NJ 07760 paid the required \$1,000.00 deposit plus the \$100.00 application fee for Street Opening Permit Number 166/06; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the project and found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Mariposa Holdings, LLC be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000.00 BOND DEPOSIT AND PERMIT FEE FOR MARK BROWN DUE TO THE WORK NEVER BEING DONE AND STREET OPENING 169/06 WAS CANCELED:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, M.A. BROWN, 16 Packer Avenue, Rumson NJ 07760 paid the required \$1,000.00 deposit for Street Opening Permit Number 169/06; and

WHEREAS, it was determined that this Street Opening Permit was not necessary, therefore the \$1,000.00 bond should be refunded;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that M.A. BROWN be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE \$1,000.00 BOND DEPOSIT FOR STREET OPENING 104/06 FOR MIKE KOSTUK:

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Mike Kostuk, 15 Avenue of Two Rivers South, Rumson, NJ 07760 paid the required \$1,000.00 deposit for Street Opening Permit Number 104/06; and

WHEREAS, Mark Wellner, Rumson Borough Superintendent of Public Works, has inspected the project and found it to be satisfactory and therefore recommends the release of the \$1,000.00 bond;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rumson that Mike Kostuk be issued a refund of the \$1,000.00 bond; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the Borough Chief Financial Officer.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RESOLUTION TO AUTHORIZE THE REFUND OF THE DEMOLITION CASH BOND TO MICHAEL KOSTUK IN THE AMOUNT OF \$25,000.00 PLUS STATUTORY INTEREST

**AND BALANCE OF ESCROW IN THE AMOUNT OF \$368.09 FOR BLOCK 128, LOT 6.01
AND BLOCK 128, LOT 6.02:**

Councilman Kammerer offered the following resolution and moved its adoption:

RESOLUTION

WHEREAS, Michael Kostuk posted a cash bond in the amount of \$25,000.00 to guarantee the demolition of an existing garage and a portion of a driveway on new Lot 6.01 in Block 128 and the demolition of an existing pool and pool house on new Lot 6.02, in Block 128; and

WHEREAS, Mr. Kostuk has satisfactorily completed the demolition of the pool and pool house on new Lot 6.02; and

WHEREAS, Mr. Kostuk has requested that the entire bond be returned since the Planning Board Resolution of Approval requires the bond for the demolition of the garage structure be posted prior to the issuance of a demolition permit to remove the existing house on new Lot 6.01; and

WHEREAS, Mr. Kostuk has confirmed that: a) the existing home is proposed to remain and that he does not have any intention to demolish the existing home at this time and b) he agrees to post a performance guarantee to cover the cost of demolition of the existing garage and a portion of the driveway prior to the issuance of any demolition or building permits with respect to new Lot 6.01; and

WHEREAS, Mr. Kostuk has complied with all of the conditions of the Planning Board's Resolution of Approval and the subdivision has been perfected by the applicant; and

WHEREAS, Mr. Kostuk has posted the performance bonds and engineering inspection fees associated with this project; and

WHEREAS, the Borough Engineer in letters dated December 7, 2006 advised he has no objection to the Borough returning any balance in the review escrow after invoices for recent activities are submitted and paid, and it is confirmed that there are no additional charges, if the Borough maintains separate review and inspection accounts; and

WHEREAS, the Chief Financial Officer has retained an inspection escrow in the amount of \$562.20; and

WHEREAS, the Chief Financial Officer has confirmed that all outstanding invoices have been paid and that there are no additional charges;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Rumson hereby approves the release of the cash bond in the amount of \$25,000.00 plus statutory interest and the balance of escrow fee, in the amount of \$368.09, which was posted in conjunction with the Kostuk Minor Subdivision.

Resolution seconded by Councilman Rubin and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

RAFFLE APPLICATION FOR CPC BEHAVIORAL HEALTHCARE:

The Municipal Clerk/Administrator stated that he had received an application for a raffle from CPC Behavioral, 10 Industrial Way East, Eatontown. Said raffle to be held at 82 West River Road on May 27, 2007 at 6:00 p.m.

The Clerk stated that the application was in order and fees paid.

On motion by Councilman Kammerer, seconded by Councilman Rubin, this application was approved. All in favor.

ANNOUNCEMENTS BY THE MAYOR:

Mayor Ekdahl made the following announcements:

1. Borough Hall will be closed on Friday, April 6th in observance of Good Friday. There will be no garbage collection on April 6th. All those residents whose garbage collection day falls on Good Friday will have to wait until their next regular collection day.
2. We would like to wish our residents and friends a happy and holy Easter.

Thank you for your cooperation.

COMMENTS FROM THE COUNCIL:

The Mayor afforded the members of the Council an opportunity to be heard at this time and no one responded.

COMMENTS FROM THE PUBLIC:

The Mayor afforded the public an opportunity to be heard at this time and no one responded.

FINANCIAL OFFICER'S REPORT:

The Financial Officer's Report disclosed the following cash on hand in the Current Fund Account as of April 5, 2007:

Wachovia Bank		
Balance:	03/15/07	\$ 5,194,226.50
Cash Receipts:		\$ 384,763.20
Void Check		\$ 0.00
Pre-Paid Items:		\$ 0.00
Bills & Claims:	04/05/07	\$ (58,822.58)
Payroll:	03/30/07	\$ (183,168.04)

Wachovia Bank Balance:	<u>\$ 5,336,999.08</u>
Certificate of Deposits:	\$ 8,000,000.00
Money Market Funds:	\$ 0.00
Total Current Fund:	\$13,336,999.08

On motion of Councilman Broderick, seconded by Councilman Kammerer, the Financial Officer's Report was ordered received and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

CONSIDERATION OF BILLS AND CLAIMS (RESOLUTION):

Councilman Kammerer offered the following resolution and moved its adoption:

\$	114.00	NJ State Dept of Health
\$	114.00	Animal Control Account
\$	325.00	A Pak-Rat Equipment Inc
\$	1,169.91	Galls Incorporated
\$	1,277.00	Lanigan Associates Inc
\$	2,251.41	Pilot Electric
\$	405.00	Quality Electrical Const Co
\$	5,428.32	Capital Account
\$	3,275.82	Allied Oil Company
\$	18.75	All Hands Fire Equipment
\$	90.33	American Messaging
\$	50.00	ANJR
\$	540.00	A Pak-Rat Equipment Inc
\$	86.52	AR Communications
\$	333.88	Asbury Park Press
\$	61.26	AT&T
\$	656.76	Avaya Inc
\$	69.65	Avaya Inc
\$	780.00	Avakian Inc Leon S
\$	7,200.00	Becker Tree Service
\$	287.00	Central Towing
\$	37.52	Circle Chevrolet
\$	250.00	Commerce Insurance Center
\$	362.50	Cooper Power Systems
\$	2,136.85	Custom Tire Associates
\$	75.00	The Detail Doctor

\$	446.20	Good Year Auto Service Center
\$	663.00	Helen L Graves
\$	347.17	Home Depot Commercial Credit
\$	12,716.32	JCP&L
\$	749.04	Johnny on the Spot
\$	200.00	Kenny Glass Inc
\$	40.90	Kepwell Natural Spring Water
\$	709.19	Mike Kostuk
\$	390.40	Laboratory Corp of America
\$	71.08	Lawson Products Inc
\$	400.00	Macco
\$	350.00	McCarter & English LLP
\$	150.00	MC Police Chiefs Assn
\$	378.35	Treasurer County of Monmouth
\$	593.86	Monmouth County Bd of Taxation
\$	128.35	Peter J Monaco
\$	631.87	Monmouth Telecom
\$	339.12	Naylor's Inc
\$	106.75	Sprint Nextel
\$	314.81	NJ Natural Gas Co
\$	1,800.00	New Jersey Gravel & Sand Co
\$	170.16	Norwood Auto Parts
\$	83.58	One Call Systems
\$	940.00	Elsalyn Palmisano
\$	340.00	Quest Diagnostics Inc
\$	8,831.66	Reusille Mausner Carotenuto
\$	540.00	Rex Sign Co
\$	36.94	Thomas S Rogers
\$	87.88	Rosano Asphalt
\$	850.00	Roy Press Printers
\$	30.50	Seaboard Welding Supply Inc
\$	48.00	Semcor Equipment
\$	30.00	Doris M Shea
\$	149.50	Shea Communications
\$	3,712.34	South Jersey Energy
\$	1,375.00	Michael B Steib PA
\$	570.00	Targeted Technologies LLC
\$	762.27	Trico Equipment Inc
\$	836.50	Uniform Headquarters
\$	1,590.00	WH Potter & Son Inc
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\$	58,822.58	Current Fund
\$	1,428.00	Greg Doyle
\$	33,980.67	SS Marine
\$	2,941.09	Instant Canopies
\$	400.00	Siciliano Landscape
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\$	38,749.76	Endowment Inc Account

\$	2,152.85	Athlete's Alley
\$	2,139.30	Boat House Sports
\$	300.00	Andrea Dinger
\$	400.00	Gerard Dooley
\$	8,700.00	EMSA
\$	4,523.25	Firehouse Specialty Shop
\$	317.29	John Hird
\$	120.00	CJ Iarussi
\$	67.97	Naylor's Inc
\$	549.00	Nelson Press
\$	247.93	Staples
\$	1,850.00	US Rowing
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\$	21,367.59	Recreation Account
\$	1,000.00	MA Brown
\$	1,000.00	C & G
\$	26,368.09	Mike Kostuk
\$	1,000.00	Mariposa Holdings LLC
\$	975.00	Michael B Steib PA
\$	2,876.71	T & M Associates
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\$	33,219.80	Trust Account
\$	6,974.40	Current Fund Appropriations
\$	51,848.18	Current Fund Appropriations
\$	114.00	Animal Control Fund Expenses
\$	5,428.32	Capital Fund Disbursements
\$	38,749.76	Endowment Disbursements
\$	21,367.59	Recreation Disbursements
\$	33,219.80	Trust Fund – Other Expenses
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\$	157,702.05	Total Of All Funds

Resolution seconded by Councilman Broderick and carried on the following roll call vote:

In the affirmative: Broderick, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: Hemphill and Shanley.

ADJOURNMENT:

On motion by Councilwoman DeVoe, seconded by Councilman Rubin, the meeting adjourned at 4:45 p.m. All in favor.

Respectfully submitted,

Thomas S. Rogers, R.M.C.
Municipal Clerk/Administrator